

**CHARGE:** 402(a)(3)—when shipped, contained decomposed eggs.

**PLEA:** Not guilty.

**DISPOSITION:** The case came on for trial before the court and jury on 11-13-61. The trial was concluded on 11-14-61 with a return of a verdict of not guilty.

**27885. Incubator reject eggs.** (F.D.C. No. 46013. S. Nos. 69-782/3 R.)

**INFORMATION FILED:** 1-29-62, Dist. Md., against A. W. Perdue & Son, Inc., Salisbury, Md.

**SHIPPED:** 4-21-61, from Salisbury, Md., to a point on U.S. 13 near Laurel, Del.

**CHARGE:** 402(a)(3)—when shipped, the food consisted in part of a decomposed substance by reason of the presence of decomposed eggs, and was otherwise unfit for food by reason of the presence of eggs containing embryos.

**PLEA:** Nolo contendere.

**DISPOSITION:** 3-9-62. \$500 fine, plus costs.

## FISH AND SHELLFISH

**27886. Rollmops (fish).** (F.D.C. No. 47248. S. No. 61-321 T.)

**QUANTITY:** 35 cases, 12 jars each, at St. Louis, Mo.

**SHIPPED:** 1-23-62 and 2-15-62, from Chicago, Ill., by Benson Fish Co., Inc.

**LABEL IN PART:** (Case) "Noon Hour Food Products 1 Doz. 8 Oz. Rollmops" and (jar lid) "Noon Hour Brand Rollmops Contents 8 Oz. Net Wt. of Fish 6 Oz. Avd. \* \* \* Packed by Noon Hour Food Products, Chicago, Illinois."

**RESULTS OF INVESTIGATION:** Examination showed that the article contained less than the stated quantity of fish.

**LIBELED:** 3-16-62, E. Dist. Mo.

**CHARGE:** 403(a)—when shipped, the label statement "Net Wt. of Fish 6 Oz." was false and misleading.

**DISPOSITION:** 4-26-62. Default—destruction.

**27887. Caviar.** (F.D.C. No. 47222. S. No. 16-391 T.)

**QUANTITY:** 22 cases, 12 jars each, at Cincinnati, Ohio.

**SHIPPED:** Between 12-7-61 and 1-25-62, from New York, N.Y., by Romanoff Caviar Co.

**LABEL IN PART:** (Case) "Romanoff Caviar \* \* \* Caviar Co. 463 Greenwich's New York 1 Dozen 1 Oz. Blue Seal Sturgeon Roe" and (jar lid) "Romanoff Caviar Blue Seal 1 Oz. \* \* \* Net Weight Romanoff Caviar Co., Packers London New York, N.Y. Paris."

**RESULTS OF INVESTIGATION:** Examination showed that the article was short weight.

**LIBELED:** 3-2-62, S. Dist. Ohio.

**CHARGE:** 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

**DISPOSITION:** 4-16-62. Default—delivered to a public institution.

**27888. Fresh crabmeat.** (F.D.C. No. 45236. S. Nos. 32-615 R, 35-941 R.)

**INFORMATION FILED:** 4-11-61, S. Dist. Fla., against Sockwell Crabmeat Co., Inc., Vero Beach, Fla., and Herbert R. Sockwell, president of the corporation.

**SHIPPED:** 5-13-60 and 7-15-60, from Florida to New York.

**LABEL IN PART:** (Can) "SOCKWELL'S Fresh Backfin CRABMEAT Net Wt. 1 Lb. Avoir. Sockwell Crabmeat Co. Vero Beach, Florida U.S.A."

**CHARGE:** (Count 1 of the information), 402(a)(3)—contained *E. coli*, an organism indicative of fecal pollution; 402(a)(4)—prepared and packed under insanitary conditions; and (count 2), 402(a)(4)—prepared and packed under insanitary conditions.

**DISPOSITION:** The defendants filed a motion for dismissal of the information on the grounds that it was insufficient, vague, indefinite and uncertain, and on or about 6-26-61, such motion was denied. The defendant also submitted an oral motion for a bill of particulars in regard to the actual count of *E. coli* found in the article, and such motion was granted. On 10-20-61, the defendants having entered pleas of nolo contendere, the court fined the individual \$250 on count 1, and the corporation \$250 on count 2.

**27889. Fresh crabmeat.** (F.D.C. No. 45237. S. No. 31-447 R.)

**INFORMATION FILED:** 4-20-61, S. Dist. Tex., against John P. Lowe, manager of Texas Crab Co., Palacios, Tex.

**SHIPPED:** 7-19-60, from Texas to Louisiana.

**LABEL IN PART:** (Can) "Special [or "Fresh Claw" or "Fresh Special"] Crabmeat \* \* \* 1 Lb. Texas Crab Co. Palacios, Texas."

**CHARGE:** 402(a)(3)—contained *E. coli*, an organism indicative of fecal pollution.

**PLEA:** Guilty.

**DISPOSITION:** 10-27-61. Sentence of 3 months imprisonment and fine of \$1,000.

## FRUITS AND VEGETABLES\*

### FROZEN FRUIT

**27890. Frozen strawberries.** (F.D.C. No. 46957. S. No. 43-207 T.)

**QUANTITY:** 163 boxes, 16 qt. baskets each, at Philadelphia, Pa.

**SHIPPED:** On an unknown date, from Robbinsville, N.J.

**LIBELED:** 2-2-62, E. Dist. Pa.

**CHARGE:** 402(a)(3)—contained decomposed strawberries while held for sale.

**DISPOSITION:** 4-18-62. Default—destruction.

### MISCELLANEOUS FRUIT PRODUCT

**27891. Frozen concentrated orange juice.** (F.D.C. No. 46859. S. No. 9-667 T.)

**QUANTITY:** 16 cases, 24 12-oz. cans each, at Buffalo, N.Y.

**SHIPPED:** 10-26-61, from Groveland, Fla., by B & W Canning Co., Inc.

**LABEL IN PART:** (Can) "Orchard Park Frozen Fresh Florida Concentrated Pure Orange Juice Unsweetened \* \* \* Makes 3 Pints \* \* \* This can contains the Juice of 24 Average Size Tree Ripened Oranges \* \* \* Distributed by Orchard Park Foods, Inc., Buffalo, N.Y."

**LIBELED:** 12-21-61, W. Dist. N.Y.

**CHARGE:** 403(a)—when shipped, the label statement "This Can Contains the Juice of 24 Average Size Tree Ripened Oranges" was false and misleading, since it was contrary to fact.

**DISPOSITION:** 5-7-62. Default—delivered to a charitable institution.

\*See also No. 27868.